



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

HON. SYLVIA O. HINDS-RADIX  
*Corporation Counsel*

EVAN J. GOTTSTEIN  
*Assistant Corporation Counsel*  
(212) 356-2262  
egottste@law.nyc.gov

November 28, 2023

**By ECF**

Honorable Lorna G. Schofield  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: Ali Moore v. City of New York, et al.  
22-CV-10957 (LGS)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney for defendant the City of New York, David Castro, Nilsa Nivar (formerly Nilsa Patricio), Sanjay Bajnauth, and Antonio Castelluccio (hereinafter “City defendants”) in the above-referenced action. City defendants write pursuant to the Court’s November 13, 2023 Order to provide an update on the status of representation for defendants Maldonado, Castelluccio, Rosas, and Vasquez. *See* ECF No. 105.

This Office now represents defendant Castelluccio, and defendant Castelluccio joins in City defendants’ motion to dismiss that was filed on November 8, 2023.

The undersigned had attempted to schedule defendant Maldonado for a meeting to determine representation last Monday, November 20<sup>th</sup>, but was subsequently informed that Sergeant Maldonado was out on vacation on that date and was not scheduled to return to work until tomorrow, November 29, 2023. The undersigned has thus scheduled a meeting with Sergeant Maldonado for next week to determine representation.

With respect to defendant Rosas, this Office has learned that defendant Rosas is no longer employed by the FDNY. FDNY Legal Affairs is in the process of contacting Mr. Rosas, and this Office will determine representation promptly upon making contact with Mr. Rosas.

Plaintiff also named a “New York City Fire Department EMT/EMS Vasquez, in a collective capacity,” as a defendant in the Fourth Amended Complaint, *see* ECF No. 86. Because of how this individual was named in the Fourth Amended Complaint, this Office has operated under the assumption that plaintiff had some good faith basis to believe that EMT Vasquez was a City/FDNY employee. However, the FDNY has advised that the only EMT with the last name Vasquez who responded to the October 5, 2021 EMS call at issue in this action is not employed by the FDNY and was not employed by the FDNY on the date of the incident in

question. Upon information and belief, the only EMT with the last name Vasquez who was present for the October 5<sup>th</sup> incident was employed by Mount Sinai Health System and thus the City would not assume their representation, as any acceptance of service for this individual was in error.

City defendants will promptly notify the Court regarding representation of defendants Maldonado and Rosas once the undersigned is able to meet with them and finalize the representation decisions.

We thank the Court for its time and consideration of this matter.

Respectfully submitted,

*Evan J. Gottstein* /s/  
Evan J. Gottstein  
*Assistant Corporation Counsel*  
Special Federal Litigation Division

cc: Via First Class Mail  
Ali Moore  
*Plaintiff Pro Se*  
2506 East Overland Avenue  
Baltimore, Maryland 21214

Via ECF  
Eldar Mayouhas, Esq.  
*Attorney for NYCH+H Defendants*  
Lewis Brisbois Bisgaard & Smith, LLP  
77 Water Street  
New York, New York 10005